

THE HONORABLE ROBERT S. LASNIK

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FILED
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JUN 24 2008
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY



04-CV-01654-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC SOUND RESOURCES, a Washington
non-profit corporation; and THE PORT OF
SEATTLE, a Washington municipal corporation;

Plaintiffs,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY, a Delaware
corporation; J.H. BAXTER & CO., a California
limited partnership; J.H. BAXTER & CO., a
California corporation; and J.H. BAXTER & CO.,
INC., a California corporation.

Defendants.

No. C04-1654L

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE -
SETTLEMENT OF ALL CLAIMS
BETWEEN PLAINTIFF THE PORT OF
SEATTLE AND DEFENDANT BNSF
RAILWAY COMPANY**

[Clerk's Action Required]

STIPULATION

This Stipulation is between plaintiff The Port of Seattle and defendant BNSF Railway Company, collectively referred to as the "Stipulation Parties." The Stipulation Parties, through their attorneys of record, stipulate that the claims asserted in this action between them have been fully settled, resolved or compromised. The Stipulation Parties stipulate that an order may be entered dismissing their claims against each other with prejudice and without an award of costs or attorneys' fees to either party. Nothing in this Stipulation and Order shall affect the claims that plaintiff Pacific Sound Resources and defendant BNSF Railway Company have asserted against each other in this action.

1 Dated this 20th day of June, 2008.

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ORDER

Based on the above stipulation of the parties, it is hereby ORDERED:

The claims of plaintiff The Port of Seattle and defendant BNSF Railway Company against each other shall be dismissed with prejudice and without an award of attorneys' fees or costs to either party. This Order does not affect the claims that plaintiff Pacific Sound Resources and defendant BNSF Railway Company have asserted against each other in this action.

Dated this 24th day of June, 2008.

Robert S. Lasnik
ROBERT S. LASNIK,
United States District Judge

Presented By:

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